



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

December 28, 2020

**BY ECF**

The Honorable Cathy Seibel  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

**Re: United States v. Grafton E. Thomas, 20 Cr. 21 (CS)**

Dear Judge Seibel:

The Government writes, with the consent of the defendant through counsel, to request an extension of time from December 28, 2020, until January 8, 2021, for the parties to provide the Court with a proposed date for an evidentiary hearing pursuant to 18 U.S.C. § 4241(d)(2)(A). The reason for this request is that due to holiday schedules of the relevant doctors, the Government has been unable to speak to the doctors who have examined the defendant since his arrest to determine if the Government will call any witnesses in addition to Dr. Baecht (the author of the competency restoration report provided to the Court on November 10, 2020), and the availability of any such potential witnesses for a hearing in January.

Specifically, the Government has attempted to contact Dr. Baecht, Drs. Segal and Casarella (the doctors who provided psychiatric reports to Rockland County Court), and Dr. Schlessinger (the MCC doctor who provided this Court with a psychiatric competency report on March 20, 2020). To date, the Government's efforts to reach Dr. Baecht and Dr. Schlessinger have been unsuccessful, and Drs. Segal and Casarella have informed the Government that they are not available to speak to the Government until next week at the earliest. Accordingly, the Government submits that the requested extension is necessary in order to provide the Government sufficient time to speak to the above-referenced doctors to determine whether the Government intends to call them as witnesses, and, if so, their availability for a hearing. The Government remains mindful of

the Court's proposal to hold the hearing before January 19, 2021, and will make every effort to enable the hearing to be scheduled before that date.

Respectfully submitted,

AUDREY STRAUSS  
Acting United States Attorney for the  
Southern District of New York

By: \_\_\_\_\_/s/\_\_\_\_\_  
Lindsey Keenan  
Lara Eshkenazi  
Kimberly Ravener  
Assistant United States Attorneys  
(212) 637-2758 / 2358 / (914) 993-1907

cc: Defense Counsel, via ECF